

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE VIVENDI UNIVERSAL, S.A.
SECURITIES LITIGATION

MASTER DOCKET

02 CV 5571 (RJH/HBP)

This Document Relates to:

WESTLB MELLON ASSET MANAGEMENT
KAPITALANLAGEGESELLSCHAFT MBH,

08 CV 01985 (RJH/HBP)

Plaintiff,

-against-

VIVENDI, S.A., JEAN-MARIE MESSIER
AND GUILLAUME HANNEZO.

Defendants.

DECLARATION OF PROOF OF SERVICE

Diane Zilka hereby declares under penalty of perjury that the following is true and correct:

1. I am an attorney with the law firm of Grant & Eisenhofer P.A., Co-Counsel for Plaintiff in this action. I submit this Declaration as proof of service of the Complaint on defendant Jean-Marie Messier.

2. Annexed hereto as Exhibit 1 is a true and correct copy of a letter dated March 3, 2008 from Lisa Albert, Esquire of King & Spalding, counsel to Jean-Marie Messier, accepting service of the Complaint on behalf of Jean-Marie Messier.

Done at Wilmington, Delaware this 11th day of April, 2008.

Diane Zilka (DZ-9452)

EXHIBIT 1



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March 3, 2008

BY OVERNIGHT MAIL

Lisa L. Albert, Esquire
King & Spalding LLP
1185 Avenue of the Americas
New York, New York 10036

Re: WestLB Mellon Asset Management Kapitalanlagegesellschaft mbH v.
Vivendi, S.A., et al., 08-cv-01985 (RJH)

Dear Lisa:

With respect to the above-referenced action, enclosed are a summons to Jean-Marie Messier, the complaint, Judge Holwell's Individual Rules and the United States District Court for the Southern District of New York's Third Amended Instructions for Filing an Electronic Case or Appeal, Procedures for Electronic Case Filing and Guidelines for Electronic Case Filing.

Your signature below indicates your agreement that you acknowledge that Mr. Messier was served with a summons and complaint in the above-referenced action. On behalf of Mr. Messier, you represent that he will not assert defenses to, or seek dismissal of, the above-referenced action on the grounds of any defect in the summons or in the method or effectuation of service of process.

Plaintiff in the above-referenced action understands and agrees that Mr. Messier retains all other defenses, affirmative defenses, and objections to the above-referenced actions including, without limitation, to the jurisdiction of the court over him or the subject matter of the above-referenced action or to the venue of the court.



Lisa L. Albert, Esquire
March 3, 2008
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This agreement is expressly limited to the above-referenced action. Nothing in this agreement in any way relates to any other actions already filed or that will or may be filed against Mr. Messier.

Very truly yours,



Diane Zilka

ACCEPTED AND AGREED TO:
KING & SPALDING, LLP

By: 

Lisa L. Albert, Esquire
1185 Avenue of the Americas
New York, New York 10036

Counsel for defendant Jean-Marie Messier